IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 25115 of 2004

Between:

B. Jaya Rao, S/o. Veeraiah,
R/o. Christainpalem, Narsaraopet, Guntur District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Narsaraopet,

Guntur District.
2 The Mandal Revenue Officer, Narsaraopet, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate order writ or direction more particularly one in the nature of writ of mandamus, declaring the action of the 1st respondent in not passing any orders in the appeal filed by the petitioner as illegal, arbitrary unjust and consequently set aside the order dt. 2.9.2004 vice R.C. No. 513/2004 -C passed by the 2nd respondent and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances.

Counsel for the Petitioner: MRK.JOSEPH

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The petitioner was granted a Kerosene Hawkers Licence in the year 1982 for ward No.12 of Narasaraopet Village. The 2nd respondent suspended the licence through his proceedings, dated 02.09.2004 on the allegation that the petitioner is selling kerosene oil at a higher rate and that he is distributing kerosene twice in a month and that the measurement is not proper. He preferred an appeal before the 1st respondent. He also prayed for interim orders with a view to enable him to function as Hawker. No orders are said to have been passed so far.

The petitioner contends that the order of suspension was passed against him on account of political pressure exerted by certain interested persons. He also filed the copy of a representation, said to have been signed by 133 card-holders of the ward, stating that they have been receiving kerosene from the petitioner properly and the proceedings against him were politically motivated.

Heard learned counsel for petitioner and learned Government Pleader for Civil Supplies.

A perusal of the order of suspension discloses that the basis for the same is a complaint, dated 03.08.2004, submitted by Smt S.K.Khaseembee and 24 others against the petitioner. The Mandal Revenue Inspector was deputed to conduct enquiry within two days and on 05.08.2004 he is said to have submitted a report. The 2nd respondent took the same into account and passed the impugned order almost one month thereafter. It is more than three months that the petitioner filed the

appeal before the 3rd respondent and no interim or final orders have been passed as yet.

The 2nd respondent has chosen to while away almost a month, after receiving the report from the Mandal Revenue Inspector, to pass order of suspension against the petitioner. Within this time, he could have ascertained the version of the petitioner on the allegations made in the complaint, dated 03.08.2004. Taking unilateral action on the strength of a complaint can never be said to be the proper exercise of administrative power. It may result in several perilous situations. Howsoever grave an allegation against a person may be, before it is acted upon, the version of the person against whom the allegation is made, needs to be ascertained. Even where an action is resorted to as a measure pending enquiry, certain basic verification from the affected person is necessary. No such exercise was undertaken in this case.

Hence, the writ petition is disposed of, directing that the order of suspension passed against the petitioner shall remain stayed, till the 1st respondent disposes of the appeal and the petitioner shall be entitled to function as kerosene hawker. There shall be no order as to costs.

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31.12.2004

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To

1 The Revenue Divisional Officer, Narsaraopet,

Guntur District.

2 The Mandal Revenue Officer, Narsaraopet, Guntur District.

3 2CCs to the G.P for Civil Supplies, High Court Buildings,

Hyderabad(O.U.T).

4 2CD copies